

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

W.G. HAYS & ASSOCIATES, LLC, in )  
its capacity as receiver for Premier )  
Utilities & Services, Inc. ) No. 2-10-0015  
 )  
v. )  
WIRES UNDERGROUND )  
CONSTRUCTION, INC; ERNIE )  
WIRES; and CINCINNATI INSURANCE )  
COMPANY )

O R D E R

By contemporaneously entered order, the Court has approved and entered the parties' proposed case management order, with one minor modification addressed at the initial case management conference held on May 26, 2010. That modification and other matters addressed on May 26, 2010, are as follows:

1. By July 30, 2010, the parties shall file a joint mediation statement, indicating whether they have participated in mediation, and, if not, when mediation is scheduled, and, if so, when mediation was conducted, whether they were able to reach a settlement and, if so, when they will file an agreed order of dismissal or other settlement/dismissal document, and if not, whether the potential for settlement remains.<sup>1</sup>

2. The parties shall serve initial expert disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure by August 16, 2010.

3. Any discovery motion shall be filed by September 16, 2010. Alternatively, the parties may, by September 16, 2010, schedule a telephone conference call with the Court to address any discovery issues.

4. Because the parties anticipate little discovery of electronically stored information, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.

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<sup>1</sup> Counsel advised that they are attempting to reach a settlement in this case and have agreed upon potential mediators, but have not yet scheduled a mediation date.

5. As provided in the contemporaneously entered order, any dispositive motion shall be filed by September 30, 2010. Any response shall be filed within 21 days of the filing of the motion or by October 21, 2010, if the motion is filed on September 30, 2010. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by November 2, 2010, if the response is filed on October 21, 2010.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Robert L. Echols.

There shall be no stay of discovery before the September 15, 2010, deadline for completion of fact discovery or the October 15, 2010, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Echols' office, a jury trial is scheduled to begin on **Tuesday, March 7, 2011, at 9:00 a.m.**, in Nashville.<sup>2</sup> The parties anticipate that the trial will last 3-4 days.

Although this is a Northeastern Division case, the parties requested that the trial be held in Nashville.

A pretrial conference is also scheduled before Judge Echols on **Monday, February 7, 2011, at 2:30 p.m.**

The parties' obligations prior to the pretrial conference will be set forth by separately entered order.

It is so ORDERED.



JULIET GRIFFIN  
United States Magistrate Judge

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<sup>2</sup> Although the parties had addressed the possibility of a February 8, 2011, trial date, Judge Echols already has three trials scheduled on February 8, 2011, so the trial has been scheduled on March 7, 2011. If despite the fact that this case would be scheduled behind three other cases, the parties want to reschedule the trial to February 8, 2011, counsel shall so advise the Magistrate Judge. However, unless otherwise ordered upon the parties' request, the trial shall remain scheduled to begin on March 7, 2011.